

BOBBY SHAWN JANOE J25333  
CSATF/SP C-1-120  
P.O.BOX 5244  
CORCORAN CA 93212

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BOBBY SHAWN JANOE,	)	
Petitioner,	)	CASE NO.CV 08-0420 JLS(POR)
V	)	
	)	NOTICE OF LODGEMENT OF
JAMES TILTON,	)	EXHIBITS IN SUPPORT OF
Respondents.	)	TRAVERSE
	)	
	)	Judge:Honorable Louisa S.
	)	Porter

PLEASE TAKE NOTICE PETITIONER hereby lodges the following  
documents with the Court in support of Traverse:

1. Bobby Shawn Janoe Declaration
2. Copy of envelopes back
3. Marilyn Janoe Declaration
4. Brian Janoe Declaration
5. AD-SEG form 114-D
6. Second level response appeal decision
7. Appeal and decisions
8. Two page trust account statement
9. Two page letter from Bret,two checks
10. Referral form
11. Copy of envelopes front
12. Autopsy report,with Toxicology report
13. One page report of employees in trust office
14. One stolen check,3,187 dollars

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date July 31, 2008

Respectfully Submitted,

Bobby S. Janoe  
BOBBY SHAWN JANOE

LODGEMENT ONE

CAL

A

0602524

RECEIVED CAL APPEALS SEP 25 2006

## DECLARATION

RECEIVED CAL APPEALS SEP 29 2006

I BOBBY SHAWN JANOE DO DECLARE THE FOLLOWING:

1 I do have personal knowledge of the facts stated herein and

2 could testify to there truth if called as a witness.

RECEIVED CAL APPEALS OCT 20 2006

3 2. Approximately the third week of April 2006, I was talking with

4 my mother, Marilyn Janoe, on the telephone. She mentioned that my

5 brother Brian Scott Janoe had ran into Bret Harvey Janoe's

6 former wife by accident; that brian went to visit with Bret; that

7 Bret stated he was doing good; that Bret was distressed to learn

8 Bobby Shawn Janoe was in prison at Calipatria State Prison; that

9 Bret stated he would try to send Bobby some funds when he could.

10 3. I was skeptical about the news of Bret, and did not want to

11 talk about Bret, as he had stolen my property about 20 years

12 earlier and did disappear.

13 4. Approximately the last week of April 2006 I received two

14 envelopes with no letter in them, but there was numerical writing

15 on the outside of the envelope and some other writing, about

16 obtaining a attorney for me. I had no idea what was going on

17 since I had not spoken to Bret in 20 years. I thought Bret was

18 feeling guilty about stealing my property 20 years earlier and

19 was trying to make amends by sending funds.

20 5. I wrote Bret and thanked him for the funds and told him not to  
21 give any funds to a attorney until he had spoken to me prior.22 6. Approximately May 3, 2006 I turned in a trust account withdraw-  
23 al order to counselor Nava, for 99.00 dollars to my mother for  
24 financial aid.  
2526 7. I turned in a ducat for 75.00 dollars to go to canteen.  
27  
28

SCREENED OUT SEP 25 2006

SCREENED OUT SEP 29 2006

SCREENED OUT

OCT 06 2006

RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006

CAL

A

0602524

2 Approximately the 4th or 5th of May 2006, I received three more  
3 envelopes from Bret, with no letter inside, but with some numerical  
4 writing on the outside of the envelopes.

5 9. I wrote Bret once again thanking him for the funds and asked  
6 him what is going on.

7 10. Approximately May 24, 2006 I turned in a trust account withdra-  
8 wal order to counselor Nava for 1,100.00 dollars to my mother for  
9 financial aid.

10 11. I cannot remember when, but I did receive another envelope  
11 from Bret with some numerical writing on the outside of the  
12 envelope, but no letter inside.

13 12. Approximately June 19, 2006 the security and investigations  
14 unit rushed to my assigned cell in the am. They threw my property  
15 all over the cell and proceeded to confiscate every piece of  
16 paper in the cell; all letters; phone books; and photos. I asked  
17 officer Canada what the problem was, but he refused to respond.  
18 I was escorted back to my assigned cell after the search was  
19 completed.

20 13. Approximately June 20, 2006 officer Crittendon and Sergeant  
21 Rutledge returned all of my property, minus the six envelopes I  
22 had received from Bret. Officer crittendon asked me to sign the  
23 Cell/Locker search receipt, to acknowledge they confiscated the  
24 six envelopes I had received from Bret and I did. I asked  
25 officer Crittendon what was going on, but he refused to even  
26 discuss the matter at all. I asked Sergeant Rutledge what was  
27 going on, but he too refused to discuss the matter at all.

28 14. Approximately June 28, 2006 I turned in a trust account with-  
drawal order to counselor Nava for 350.00 dollars to the federal

SCREENED OUT

SEP 25 2006

SCREENED OUT

OCT 06 2006

SCREENED OUT

SEP 29 2006

RECEIVED CAL APPEALS SEP 25 2006  
RECEIVED CAL APPEALS SEP 29 2006

CAL A 0602524

1 court in San Diego California.

2 15. I turned in a ducat for 50.00 dollars to go to canteen.

3 16. Approximately July 5, 2006 I turned in a trust account with-

4 drawal order to counselor Nava for 100.00 dollars to go to the  
5 Superior Court in El Centro California.

6 17. Approximately July 10, 2006 I spoke to a counselor in 1  
7 housing building about my trust account, as my trust account with-  
8 drawals were not being processed.

9 18. Approximately July 11, 2006 I requested officer rodriguze to  
10 contact the trust account office to see what the problem was with  
11 my trust account. I spoke to Miss Weitceil in the trust account  
12 office, who stated that Lieutenant Straton had put a freeze on the  
13 withdrawal of any funds from my account.

14 19. Approximately July 12, 2006 I was called to go to the program  
15 office on A-Yard, wherein facility captain Nelson and Lieutenant  
16 Straton informed me that I was being issued a serious rule  
17 violation(115) for possession of stolen property and check fraud.

18 20. On July 13, 2006 I typed up a letter to Miss Weitceil, making  
19 a request that a notation be placed on my trust account, so that  
20 no personal checks be accepted for placement onto to my trust  
21 account ever again.

22 21. Approximately July 14, 2006 I received a copy of my trust  
23 account activity, wherein funds were being withdrawn from my  
24 account.

25 22. Approximately July 16, 2006 I typed up a letter to Miss  
26 Weitceil, in the trust account office, explaining that funds were  
27 being withdrawn from my account and that those funds were  
28 illgotten and no one could lay claim to those funds until the

SCREENED OUT SEP 25 2006  
SCREENED OUT SEP 29 2006

3 SCREENED OUT OCT 06 2006

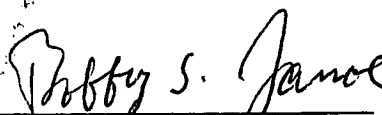
RECEIVED CAL APPEALS SEP 25 2005

RECEIVED CAL APPEALS SEP 29 2006

CAL A 0602524

RECEIVED CAL APPEALS OCT 06 2006

3 I declare under penalty of perjury under the laws of the  
 4 state of California, the foregoing is true and correct. This  
 5 declaration was executed on July 16, 2006, at calipatria California.

6   
 7 Bobby Shawn Janoe

SCREENED OUT SEP 25 2006

SCREENED OUT SEP 29 2006

SCREENED OUT

OCT 06 2006

LODGEMENT TWO



CAL A 0602524

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006

RECEIVED CAL APPEALS OCT 20 2006

~~Handwritten signature/initials~~

*I'll send  
more money  
in a couple days*

*Say brother I know!  
Let me know  
what you need!*

THIS ENVELOPE IS RECYCLABLE AND MADE  
WITH 30% POST CONSUMER CONTENT

*I've got it  
I'll be right back  
to you on  
change!!*

SCREENED OUT SEP 29 2006 SCREENED OUT OCT 06 2006

LODGEMENT THREE

CAL

A

0602524

RECEIVED CAL APPEALS SEP 25 2005

## DECLARATION

RECEIVED CAL APPEALS SEP 29 2006

I MARILYN JANOE DO DECLARE THE FOLLOWING:

RECEIVED CAL APPEALS OCT 06 2006

3 RECEIVED CAL APPEALS OCT 20 2005

1. I do have personal knowledge of the facts stated herein, of Bret

Harvey Janoe contacting Bobby Shawn Janoe in the months of April

to May 2006, and could testify to there truth if called as a

witness.

2. Approximately the second or thrid week of April 2006 as I

talked with my son Brian scott Janoe he mentioned to me that he

had ran into Bret Harvey Janoe's former wife; that he had went to

talk with Bret; that Bret said he was doing good; that Bret was

distressed to learn Bobby Shawn Janoe was in prison at calipatria

State Prison; that Bret would try to send Bobby Shawn Janoe some

funds when he could. I warned Brian to stay away from Bret as he

could not be trusted. I told Brian the last time I had seen Bret

was about 20 years ago, as he had stole some property from my

house that belonged to me and some property that belonged to

Bobby Shawn Janoe, and Bret disappeared.

3. Approximately the thrid week of April 2006 as I spoke to Bobby

Shawn Janoe on the telephone, I mentioned that Brian had seen Bret

and Bret said he was doing good and would try to send him some

funds when he got a chance. Bobby Shawn Janoe was skeptical of

Bret and really did not want to talk about Bret, as Bret had stolen

his property 20 years earlier.

I declare under penalty of perjury under the laws of the

state of California, the foregoing is true and correct. This

declaration was executed on 7-18 2006 in Rialto California.

*Marilyn Janoe*  
Marilyn Janoe

SCREENED OUT

OCT 06 2006

SCREENED OUT

SEP 25 2006

SCREENED OUT

SEP 29 2006

LODGEMENT FOUR

RECEIVED CAL APPEALS SEP 25 2006  
RECEIVED CAL APPEALS SEP 29 2006

## DECLARATION

2 I, BRIAN SCOTT JANOE DO DECLARE THE FOLLOWING:

3 1. I do have personal knowledge of the facts stated herein, of Bret  
4 Harvey Janoe contacting Bobby Shawn Janoe in the months of April  
5 to May 2006, and could testify to there truth if called as a  
6 witness.

7 2. Approximately the second week of April 2006, I ran into Bret's  
8 former wife by accident. I had not seen Bret in approximately  
9 20 years. Bret's former wife took me to see Bret. Upon meeting  
10 Bret, he stated to me that he was doing good, and staying out of  
11 trouble. Bret asked about Bobby Shawn Janoe, as to how he was  
12 doing. Bret was distressed to learn Bobby Shawn Janoe was in  
13 prison at Calipatria state Prison. Bret stated to me that he  
14 would try to send Bobby Shawn Janoe some funds when he could.

15 3. To be honest, I did not believe Bret's comment's as we talked,  
16 but I wanted to believe he had changed for the better, and gave  
17 him the benefit of the doubt, as to there truthfulness.

18 4. In the next few days, as I saw my mother (Marilyn Janoe) I was  
19 talking with her and explained I had seen Bret and that he was  
20 doing good; that he was distressed to learn Bobby Shawn Janoe was  
21 in prison; that Bret said he would try to sent Bobby Shawn Janoe  
22 some funds when he could. My mother was skeptical of Bret and  
23 really did not want anything to do with him. She warned me to  
24 stay away from Bret.

25  
26 I declare under penalty of perjury under the laws of the  
27 state of California, the foregoing is true and correct. This  
28 declaration was executed on 7-18 2006 in Rialto California.

*Brian Scott Janoe*  
SCREENED OUT OCT 06 2006  
BRIAN SCOTT JANOE

SCREENED OUT SEP 25 2006  
SCREENED OUT SEP 29 2006

LODGEMENT FIVE

A 0602843

STATE OF CALIFORNIA  
 ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE  
 CDC 114-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

RECEIVED CAL APPEALS DEC 21 2006

DISTRIBUTION:  
 WHITE - CENTRAL FILE  
 BLUE - INMATE (2ND COPY)  
 GREEN - ASU

CANARY - WARDEN  
 PINK - HEALTH CARE MGR  
 GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME  
 JANOE

CDC NUMBER  
 J-25333

## REASON(S) FOR PLACEMENT (PART A)

- ☐ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS  
☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY  
☐ ENDANGERS INSTITUTION SECURITY ☐ UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

## DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Monday, August 28, 2006, you (Inmate JANOE, (J-25333)) it was determined that you meet the 180 classification criteria as a result of you being found guilty of a Division "B" offense within the previous three (3) years and are no longer eligible to be housed in a 270 design General Population. Due to your 180 classification you pose a threat to Institutional Safety and Security and are being placed into Administrative Segregation, pending ICC review and possible transfer to a 180 classification designated facility. As a result of this placement your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate JANOE is a participant in the Mental Health Services Delivery System (MHSDS) at any level of care.

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)		<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /	
DATE OF ASU PLACEMENT 08/28/06	SEGREGATION AUTHORITY'S PRINTED NAME J. SIGLER	SIGNATURE	TITLE Lieutenant
DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE	CDC NUMBER

## ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (IE)	
STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
<b>IS THIS INMATE:</b>  LITERATE? <input type="checkbox"/> YES <input type="checkbox"/> NO FLUENT IN ENGLISH? <input type="checkbox"/> YES <input type="checkbox"/> NO ABLE TO COMPREHEND ISSUES? <input type="checkbox"/> YES <input type="checkbox"/> NO FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS? <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINING FIRST STAFF ASSISTANT ASSIGNED? <input type="checkbox"/> YES Any "NO" requires SA assignment		EVIDENCE COLLECTION BY IE <u>UNNECESSARY</u> <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED ANY INVESTIGATIVE EMPLOYEE <input type="checkbox"/> YES <input type="checkbox"/> NO ASU PLACEMENT IS FOR DISCIPLINARY REASONS <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED <input type="checkbox"/> YES Any "NO" may require IE assignment	
<input type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	

## INMATE WAIVERS

<input type="checkbox"/> INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER	<input type="checkbox"/> INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
<input type="checkbox"/> NO WITNESSES REQUESTED BY INMATE	INMATE SIGNATURE
	DATE

## WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION: ☐ RELEASE TO UNIT/FACILITY ☐ RETAIN PENDING ICC REVIEW ☐ DOUBLE CELL ☐ SINGLE CELL PENDING ICC

REASON FOR DECISION:

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	DATE OF REVIEW	TIME	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)	DATE OF REVIEW		

LODGEMENT SIX



State of California

Department of Corrections and Rehabilitation

## Memorandum

Date: DEC - 6 2006

To: Janoe, J-25333  
Calipatria State Prison

Subject: SECOND LEVEL APPEAL RESPONSE  
LOG NO.: CAL-A-06-02524

### ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #07-06-A-005, dated July 05, 2006, for Possession of Stolen Property and Check Fraud. It is the appellant's position that on Friday, August 04, 2006, Senior Hearing Officer (SHO) J. Sigler, inappropriately violated your due process rights by finding you guilty of the aforementioned RVR. You allege you had no knowledge that your brother Bret Janoe was depositing stolen money orders and checks into your inmate trust account at Calipatria State Prison (CAL). You state you never had possession or seen the money orders that were sent to you, due to they were deposited into your inmate trust account by accounting staff personnel. You state Bret was arrested on May 31, 2006, by the San Bernardino Sheriffs Department, Twin Peaks, for burglary of a United States Post Office. You state there was insufficient evidence presented at your hearing, that you had knowledge that the money orders deposited into your trust account were stolen.

You are requesting on appeal that the findings of your guilt in the matter be rescinded.

---

INTERVIEWED BY: D. Bell, Correctional Counselor II, on November 28, 2006.

REGULATIONS: The rules governing this issue are:

California Penal Code Section 12022.7. Infliction of Great Bodily Injury

California Code of Regulations, Title 15, Section (CCR) 3005. Conduct.

CCR 3084.5. Levels of Appeal Review and Disposition.

CCR 3313. Classification of Rules Violation Report and Notice of Pending Charges.

CCR 3320. Hearing Procedures and Time Limitations.

On July 12, 2006, you were served a pre-hearing copy of RVR, Log #07-06-A-005, dated July 05, 2006, for the specific act of Possession of Stolen Property and Check Fraud, and served a copy of CDC-115 Supplement

JANOE, J-25333  
CAL-A-06-02524  
PAGE 2

authored by Correctional Officer (CO) V. Canada. On August 03, 2006, you were served a copy of Incident Report # CAL-CEN-06-07-0224.

On July 17, 2006, you were served Xerox copies of your inmate trust account statements from May 01, 2005 to June 2005. You were also served a copy of the CDC 193 Trust Account Withdrawal Order to Marilyn Janoe dated May 25, 2006, one (1) inmate letter, six (6) Xerox copies of inmate correspondence envelopes to you, from your brother Brett Janoe, Box 651 Running Springs CA. 92382, two (2) Xerox copies of checks paid to the order of Bobby Janoe, J25333, and two (2) copies of money orders paid to the order of Bobby Janoe.

On August 04, 2006, at approximately 1505 hours, you appeared before an experienced SHO, J. Sigler, for the adjudication of the RVR. You plead not guilty, and elected to make the following statement: "I have not seen my brother in over twenty years. The last time I saw him he stole property from me and my mom, and then he disappeared. I am surmising that he took it and sold it for money, now this is twenty years later etc."

The SHO considered your statement at the time of the hearing. The SHO noted that he reviewed the three (3) typed declarations that you presented at your hearing from you, your mother and brother Brian Scott.

You were found guilty of Possession of a Stolen Property and Check Fraud, a Division "B" offense and assessed 150 days forfeiture of credit, and 90 days loss of phone, ten (10) days loss of yard, and 90 days temporary placement in privilege group "C" in accordance with CCR, Title 15, Section 3044(f)(1)(B), starting on August 04, 2006, and ending on November 03, 2006, consistent with a Division "B" offense.

You were found guilty based upon the preponderance of evidence submitted at the hearing, which was considered valid and substantiated the charge. The evidence included: Information contained in Incident Package Log #CAL-CEN-06-07-0244, CDC-837 authored by CO, S. Crittendon, dated July 11, 2006, CDC-837 Supplemental Report authored by CO, V. Canada, CDC-Supplemental Report authored by Accounting Clerk II, P. Weitzel, CDC-Supplemental Report authored by G. Shepard, 2nd CDC-115 Supplemental Report authored by CO, V. Canada, and 17 photocopies of evidence collected and/or recovered from your cell.

1. The Reporting Employee's written report which states, "On Wednesday, July 05, 2006, Security and Investigations concluded its investigations into numerous altered checks received at Calipatria State Prison for Inmate Janoe, J-25333, A1-150." 2. Four (4) out of Five (5) of the checks noted on CDC-115-C page #11 was deposited into your inmate trust account were confirmed stolen by the Security and Investigations Unit.

On August 15, 2006, the SHO's finding and disposition were reviewed and affirmed by a Chief Disciplinary Officer. On August 24, 2006, you were issued the final copy of the adjudicated RVR.

The Second Level of Review (SLR) notes although you were not in a position to view the incoming checks, you received monthly statements from the Calipatria State Prison's Accounting Department. These statements indicated deposits

JANOE, J-25333  
CAL-A-06-02524  
PAGE 3

had been made to your account, which would have given you knowledge of your account activity and current funds available.

It is also noted a cash withdrawal in the amount of \$530.30 was withdrawn from your account prior to the CAL Accounting Office discovery of the altered checks. A review of your trust account statement and activity prior to the \$2,021.51 dollar deposits on April 27, 2006, clearly indicated your previous account balance was zero.

It is noted on December 05, 2006, Correctional Counselor II, Inmate Appeals Coordinator, D. Bell, interviewed CAL Inmate Trust Account Office Technician, W. Neciuk, as to why were the checks and money orders processed and deposited into your trust account when it appeared that the checks were altered and fraudulent. Mr. Neciuk stated, "We should have visually caught it in the beginning, due to you could tell inmate Janoe's name was obviously typed over the original name printed on the check. However, we eventually caught on, flagged his incoming checks and sent copies to the Security and Investigations Unit. Prior to these checks being placed into inmate Janoe's account, he had no prior activity what so ever. He never had spent any money on canteen. However, after the checks were deposited into his accounts he spent money on canteen, and he even sent money to his mom."

The SLR notes Detective Pelkey of the San Bernardino Sheriff's Department, Twin Peaks, confirmed that your brother Bret Harvey Janoe and two (2) other suspects were arrested on May 30, 2006, for burglary of a United States Post Office.

After reviewing the processing of your RVR, it was determined that time constraints were met, procedures were followed, and due process was afforded to you. You provided no new or compelling evidence to the RVR. Therefore, I find no reason to alter the original decision.

---

DECISION: The appeal is denied.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



T. OCHOA  
Chief Deputy Warden (A)  
Calipatria State Prison

LODGEMENT SEVEN

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: JUN 24 2007

In re: Janoe, J-25333  
Calipatria State Prison  
P.O. Box 5002  
Calipatria, CA 92233

IAB Case No.: 0612673

Local Log No.: CAL 06-02655

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner S. Hemenway. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that his Calipatria State Prison (CAL), CDC form 602 "Inmate/Parolee Appeal Form" was not being handled in an expeditious manner. The appellant wishes to have his appeal answered by the Accounting Supervisor and returned to him for further disposition.

The original subject of this appeal was the posting of a fraudulent check by the accounting office at CAL. The appellant had a fraudulent check posted to his account and a subsequent freeze imposed on his account. The appellant is requesting an answer as to why this happened.

**II SECOND LEVEL'S DECISION:** The Trust Office posted this and all checks that look legitimate. Any check in question is referred to investigative services for disposition. The deposit of this fraudulent check to appellant's trust account was done in error and training has since been provided to minimize this from reoccurring. The Trust Office staff apologized to appellant for causing any inconvenience. First Level of Review (FLR) and Second Level of Review (SLR) granted the appellant's appeal to not post fraudulent checks to his trust account.

**III DIRECTOR'S LEVEL DECISION:** Appeal is partially granted.

**A. FINDINGS:** All institution appeal levels responded appropriately. The appellant's request was granted at the FLR and SLR in that no fraudulent checks or altered funds were posted to his account. The appellant is requesting an answer to a previously answered question, "why did accounting post a fraudulent check to his trust account and who was the accounting person who deposited the check into his account." Accounting staff admitted this was an error as they process many checks a day as well as tend to other duties entrusted to the accounting office. Accounting staff acknowledged their error and responded to this "first time" occurrence by providing staff training to minimize the reoccurrence of this issue. Appellant continues to pursue the issue of "who posted the fraudulent check and why." This reviewer believes nothing was done maliciously and the posting of the fraudulent check was done unintentionally as staff have nothing to profit by posting such a check. This error only caused unintentional additional work to an already overburdened schedule. This appeal was granted at the informal, first and second levels. Granted was his request not to post fraudulent checks to his trust account as accounting staff would not intentionally post deposits that are suspicious in nature. Not granted was providing appellant with the name of the account staff who posted the fraudulent check as this has no bearing on the issue.

**B. BASIS FOR THE DECISION:**

California Code of Regulations, Title 15, Section: 3084.1, 3084.2, 3084.3, 3084.6

**C. ORDER:** No changes or modifications are required by the institution.

JANOE, J-25333  
CASE NO. 0612673  
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

A handwritten signature in black ink, appearing to read "N. Grannis", with a stylized flourish at the end.

N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CAL  
Appeals Coordinator, CAL

RECEIVED CAL APPEALS OCT 02 2006

INMATE/PAROLEE

Location: Institution/Parole Region

Log No.

Category

APPEALS NOV 09 2006  
CDC 128

RECEIVED CAL APPEALS JAN 17 2007

1. CAL A. 0602655  
2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

TO: APPEALS COORDINATOR OFFICE

NAME <u>B. Jance Bobby</u>	NUMBER <u>J25333</u>	ASSIGNMENT <u>N/A</u>	UNIT/ROOM NUMBER <u>S-A-111</u>
-------------------------------	-------------------------	--------------------------	------------------------------------

A. Describe Problem: I forwarded a 602 to accounting department Supervisor P. Weitzel on 8/8/06. Pursuant to title 15 § 3084.6(a)(1) she had 10 working days to respond to that 602. on 8/20/06 I forwarded a letter to accounting department supervisor P. Weitzel, requesting she respond to the 602 I forwarded to her on 8/8/06. on 9/9/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06. on 9/11/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06.

If you need more space, attach one additional sheet.

Cont. P.2

B. Action Requested: I want Accounting department supervisor P. Weitzel to Respond to the 602 I forwarded to her on 8/8/06.

Inmate/Parolee Signature: Bobby S. Jance Date Submitted: 9/28/06

C. INFORMAL LEVEL (Date Received: OCT 02 2006), Due Date: 10/17/06

Staff Response:

See attached

Staff Signature:

[Signature]

Date Returned to Inmate:

NOV 09 2006

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I find the response from P. Weitzel disingenuous, specifically, "The trust office cannot stop funds from being posted to your trust account if the checks and/or money orders look legitimate". I have attached a copy (exhibit A) of one of the altered checks and envelope it arrived in that was posted onto my trust account. When you look at "PAY" "TO THE ORDER OF" you can actually see my name was typed over another name and the address

Signature:

Bobby S. JanceDate Submitted: 11/7/06

Cont. P.2

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CAL

A 0602655

OCT 02 2006

RECEIVED CAL APPEALS

NOV 09 2006

RECEIVED CAL APPEALS



CAL

A

0602655

RECEIVED CAL APPEALS NOV 09 2006  
RECEIVED CAL APPEALS OCT 02 2006  
RECEIVED CAL APPEALS JAN 17 2007

8/8/06. ON 9/18/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06. ON 9/25/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06. Accounting department supervisor P. Weitzel as of this date has still not responded to the 602 I forwarded to her on 8/8/06.

Pursuant to title 15 § 3391(a) I am now filing this citizen's complaint and 602 against accounting department supervisor P. Weitzel, pursuant to penal code 832.5, for not responding to the 602 I forwarded to her 8/8/06.

The actions of accounting department supervisor P. Weitzel are unprofessional and tend to indicate she is attempting to use unethical conduct to suppress evidence in an investigation for check fraud.



CAL A 0602655

RECEIVED CAL APPEALS OCT 02 2006

RECEIVED CAL APPEALS NOV 09 2006

CDC 1858 (2/97)  
RECEIVED CAL APPEALS JAN 17 2007

DEPARTMENT OF CORRECTIONS

## RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. [An inmate/parolee who makes a complaint against a departmental peace officer, knowing it is false, may be issued a serious disciplinary rule violation, in addition to being prosecuted on a misdemeanor charge.]

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
Bobby S. Janoe		J25333	
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

## DISTRIBUTION:

ORIGINAL

PUBLIC - Institution Head/Parole Administrator

Inmate/Parolee - Attach to CDC form 602

Employee - Institution Head/Parole Administrator

COPY - Complainant

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

**CALIPATRIA STATE PRISON**  
Calipatria, California

**INFORMAL APPEAL RESPONSE**

**NAME:** B. Janoe

**CDC NO:** J25333

**APPEAL DECISION:** Partially Granted

**APPEAL ISSUE:** LEGAL

You are requesting that no altered funds be posted to your trust account

**APPEAL RESPONSE:**

The trust office cannot stop funds from being posted to your trust account if the checks and/or money orders look legitimate. If any checks and/or money orders appear to be altered or forged then they will be turned over to the Investigations Unit for further review, but note that this is our procedures for any altered or forged funds not just funds that come in for you.

Attached is a CDC 345 (Authorization from the Director to Maintain a Trust Account). It is your right to maintain a Trust Account, it also you're right to revoke your previous Authorization form. Note that if funds do come in they will be posted. Also, if you choose to complete the attached form, be aware that you will no longer have canteen privileges. This form MUST be completed in the presents of a CDCR Employee, usually your Correctional Counselor I then submitted back to the Trust Office. At that point; it is your responsibility to notify your friends and family and let them know to refrain from sending you future monetary contributions. It will also be your responsibility to ensure that any funds you do have available in your trust account are appropriately disbursed.

For your future reference, I am not nor have been the Supervisor in the Trust Office. Until this appeal, I was not aware that another appeal had previously been submitted. We do apologize for the delay in staff response.

Thank you, and sorry for any inconvenience this may have caused.

If you are dissatisfied with this decision, you may appeal at the First Level of Review.

  
\_\_\_\_\_  
P. L. Weitzell  
Account Clerk II

  
\_\_\_\_\_  
Date

CAL

A

0602655

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

STATE OF CALIFORNIA  
CDC 345 (Rev. 5/95)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

***AUTHORIZATION FOR THE DIRECTOR TO MAINTAIN  
TRUST ACCOUNT***

Pursuant of Penal Code Sections 5008 and 5057, I understand that by signing this form, I authorize the Director of the California Department of Corrections and Rehabilitation, to maintain a trust fund account in my name, thus enabling me to make purchases from the canteen. I understand that I am not required to sign this form. I also understand that if I do not complete and sign this form, my canteen privileges will be lost.

***PLEASE MARK YOUR CHOICE***

\_\_\_\_\_ I hereby authorize the Director of Corrections to maintain a trust account in my name. I also authorize any interest earned on monies held for me in such trust shall be deposited into the Inmate Welfare Fund.

\_\_\_\_\_ I choose ***not*** to authorize the Director of Corrections to maintain a trust account in my name. I acknowledge that it shall be my responsibility to ensure that any funds in my trust account are appropriately disbursed. I understand I shall have no canteen access. I shall notify my family and friends to refrain from sending me future monetary contributions.

Signed and delivered in the presence of:

\_\_\_\_\_  
SIGNATURE OF WITNESS\_\_\_\_\_  
SIGNATURE OF INMATE\_\_\_\_\_  
TITLE\_\_\_\_\_  
CDC NUMBER

Executed at Calipatria State Prison, California this \_\_\_\_\_ day of \_\_\_\_\_  
Day Month and Year

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 11 2007  
Page 2

CAL A 0602655

is not my address. This check does not look "legitimate" yet it was processed onto my trust account. 13 altered money orders and/or checks arrived at calipatria state prison from april/06 to july/06 and all of them were altered in a similar fashion, yet 10 were posted onto my trust account, as funds available for me to spend. How did this occur?

The action I requested on this 602-citizens complaint, was for "supervisor P. weitzel to respond to the 602 I forwarded to her on 8/8/06". On the response I received, the appeal issue states, "You are requesting that no altered funds be posted to your trust account", signed by P.L. weitzel, dated 10/10/06. Then at the 3rd paragraph of the response it states, "until this appeal, I was not aware that another appeal had previously been submitted". I have attached a copy (exhibit B) of the 602 I submitted to P. weitzel on 8/8/06 and the action requested was, "to make sure no altered money orders and/or checks are processed onto my trust account as funds available for me to spend". Circumstantially, it appears P. weitzel did receive my 602 of 8/8/06, by her response of the action I requested. Additionally, after I forwarded the 602 to P. weitzel on 8/8/06, I had submitted five different times, requests to her to respond to the 602, over several weeks, copies attached (exhibit C). If P. weitzel never did receive the original 602 dated 8/8/06, she had five different times to respond to my requests, and state she had not received the 602 of 8/8/06, yet I never did receive any response to my requests. The response from P. weitzel to the present 602-citizens complaint appears to be a incondite attempt to placate the real issue, of answering the original 602 of 8/8/06 that I had forwarded to her. Who processed the altered money orders and/or checks onto my trust account? why were obviously altered money orders and/or checks processed onto my trust account as funds available for me to spend?

RECEIVED CAL APPEALS JAN 17 2007

**CALIPATRIA STATE PRISON  
SUPPLEMENTAL PAGE  
FIRST LEVEL RESPONSE**

**TO:** Inmate Janoe, J25333  
**FROM:** Business Services  
**APPEAL LOG NO:** CAL-A-06-02655  
**INTERVIEWED BY:** N/A  
**APPEAL DECISION:** Granted  
**APPEAL ISSUE:** Response to previously submitted Appeal

**APPEAL RESPONSE:** I received your Appeal Form 602 dated originally in September 2006 and submitted for a First Level Review on 11/7/06. I reviewed all of the documents you included with the appeal and discussed your situation with Trust Accounting staff.

Mr. Janoe, I must first apologize for the delays in getting responses to you from all of your attempts to get a response. I will offer no excuses to you as there are none. Trust Accounting was directed to put a freeze on your account due to the suspected fraudulent checks deposited into your account. Due to that direction, they were unsure of how to respond to your requests for a response. They should have requested assistance but as this was a "first" for this kind of situation, they didn't. Training has since been given to eliminate similar situations in the future.

In an effort to provide you with what answers I can, I offer the following:

The response to your original appeal from August 2006 is Granted in that Trust Accounting will make every effort to ensure all future deposits into your Trust Account are valid deposits.

In response to your request for a First Level Review of the current appeal, I offer the following:

I can agree with you that the sample of the check you provided shows your name being typed over something. That's pretty easy to recognize when that is the only check I have to look at and I'm not looking at it with respect to getting it (and the numerous other checks) posted for the funds to be deposited. I cannot however agree with any certainty that it is a fraudulent check simply because of the conditions of checks we've seen come through Trust over the years that have been legitimate.

Inmate Janoe, J25333  
Appeal No. CAL-A-06-02655  
Page 2

I can assure you that the absence of responses from Trust was not an attempt to "use unethical conduct to suppress evidence in an investigation for check fraud". I can assure you of this because each request for interview they received, they forwarded as directed to the Investigative Services Unit.

Based on the information provided above, your appeal Number CAL-A-06-02655 is also Granted as your action requested was to have a response to your first appeal from August.

If you have any questions, please feel free to send me a request for interview or contact the Investigative Services Unit via institutional mail.



G. Garcia  
Accountant I Supervisor

CAL

A 06 00 2655

F. Second level

Page 2

granted at the first level, the response is ambiguous. Looking at page 1 of that first level response, the last paragraph, it is not clear what G. Garcia is actually stating. ~~Is~~ G. Garcia stating that it was an accident, that the altered money orders and/or checks were posted onto my trust, as funds available for me to spend, because the employees were rushed to process all of the different checks onto prisoners trust accounts?

Is this why the trust account employees did not recognize these altered money orders and/or checks were in fact altered and fraudulent? OR was some state official stooping to subterfuge?

Additionally, I find it troubling that G. Garcia will not even acknowledge the altered check (exhibit A) is obviously fraudulent. The check appears to be from a water utility. I would ask, how many prisoners receive checks from a business? Looking at the check (exhibit A), no bank would accept this check as legal tender, no individual with a checking account would accept this check for deposit, yet someone in the trust account office processed these fraudulent money orders and/or checks onto my trust account, as funds available for me to spend and then forwarded the envelope to my housing building, to notify me that funds were deposited onto my trust account, that I could spend if I so choose. Based on that notification I did turn in a trust withdrawal order to send my mother 99.00 dollars and I also turned in a ducat to go to canteen for 15.00 dollars; consequently, I am asking who processed these fraudulent money orders and/or checks onto my trust account? Why were obviously altered money orders and/or checks processed onto my trust account, as funds available for me to spend?



State of California

Department of Corrections and Rehabilitation

# Memorandum

Date: **MAR 27 2007**

To : Mr. Janoe, J25333  
Calipatria State Prison

Subject: **SECOND LEVEL APPEAL RESPONSE**  
**CAL-D-06-02619**

## ISSUE:

It is your contention that your original appeal contained two questions that were not responded to at the First Level of Review.

## DISCUSSION:

Your "Exhibit B" was a copy of your original appeal submitted on August 8, 2006. Your action requested stated: "to make sure no altered money orders and/or checks are processed onto my Trust Account." The response Granted your appeal at the First Level of Review with an explanation of what occurred regarding your appeal.

In response to your first question, "Who processed the altered money orders and/or checks onto my trust account?". The accounting office does not record which technician enters data into the tracking system.

Your second question concerned an altered money order. Specifically, "why were obviously altered money orders and/or checks processed into my trust account?" The fact that a check or money order may have been changed does not necessarily indicate the item presented is fraudulent.

Many inmates receive income or payments from a variety of sources; these variations are not normally cause for concern. For instance, the check from a water utility could be a legitimate refund of a deposit.

## DECISION:

Your appeal is Granted at the Second Level of Review, as your initial problem as stated was Granted at the First Level of Review. The questions you posed as reason for a Second Level of Review were addressed in the First Level of Review. The questions do not present any new or compelling evidence necessitating further review.



2<sup>nd</sup> Level Appeal  
CAL-A-06-02655  
Mr. Janoe, J25333  
Page 2

**Based on the above information, this Appeal is GRANTED at the Second Level of Review.**

You are advised however, that this issue may be submitted for a Director's Level of Review if desired.

  
T. OCHOA  
Chief Deputy Warden (A)  
Calipatria State Prison

CAL

A



0602655

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

EXHIBIT

A

<b>East Valley Water District</b> <small>Serving Our Community for Over 50 Years</small> P.O. BOX 3427 SAN BERNARDINO, CA 92413 (909) 889-9501		CITIZEN'S BUSINESS BANK 1555 EAST HIGHLAND AVE. SAN BERNARDINO, CA 92413		90-1414 1222	206430
<b>CHECK DATE</b> 5/24/2006		<b>CONTROL NUMBER</b> 206430		<b>AMOUNT</b> \$3,187.00	
PAY TO THE ORDER OF <b>BOBBY JANOE #J25333</b> PO BOX 5069 SAN BERNARDINO, CA 92412-5069 FOR: BOBBY JANOE #J25333					
Three Thousand One Hundred Eighty-Seven and 00/100					
US Dollars					
AUTHORIZED SIGNATURES  					
REVERSE SIDE OF THIS CHECK HAS AN ARTIFICIAL WATERMARK. MICROLINE TYPE IN CHECK BORDER AND SIGNATURE LINES IS A SECURITY FEATURE.					
⑈ 206430 ⑈ ⑈ 22234149⑈ 238 ⑈ 103363 ⑈					

RECEIVED CAL APPEALS NOV 09 2006  
 RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

CAL

A

0602655

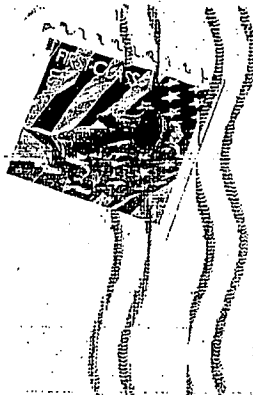
RECEIVED CAL APPEALS NOV 09 2006  
RECEIVED CAL APPEALS JAN 17 2007

OK# 513116  
\$206820  
\$318700  
30 days to process

FOR: BOBBY JANOE#J25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA, CALIF  
92333

SAN BERNARDINO

30 MAY 2006 PM



RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

EXHIBIT

B

CAL

A 0602655  
DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA

RECEIVED CAL APPEALS NOV 09 2006  
INMATE/PAROLEE  
APPEALS JAN 17 2007  
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_  
2. \_\_\_\_\_1. \_\_\_\_\_  
2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly. TO: ACCOUNTING DEPARTMENT SUPERVISOR P. WEITZEIL

NAME Janoe	NUMBER J25333	ASSIGNMENT N/A	UNIT/ROOM NUMBER A-1-150
---------------	------------------	-------------------	-----------------------------

A. Describe Problem: Altered money orders and/or checks were processed onto my trust account. Who was the person who processed those altered money orders and/or checks onto my trust account? Why were obviously altered money orders and/or checks processed onto my trust account, as funds available for me to spend? The deposits to my account were made on 4/27/06 for a total of four deposits; and on 5/5/06 for a total of five deposits. Crime/Incident Report Part C Staff Report, Incident Log Number CAL-CEN-06-07-0244.

If you need more space, attach one additional sheet.

B. Action Requested: To make sure no altered money orders and/or checks are processed onto my trust account as funds available for me to spend.

Inmate/Parolee Signature: Bobby S. JanoeDate Submitted: 8/8/06

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

RECEIVED  
APR - 2 2007  
INMATE APPEALS  
BRANCH

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



CAL

A 0602655

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

EXHIBIT

C

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

August 20, 2006

Bobby S. Janoe J25333  
P.O.Box 5004 A-1-150  
Calipatria CA 92233

Calipatria State Prison  
Accounting Department  
Supervisor P. Weitzeil  
P.O.Box 5001  
Calipatria CA 92233

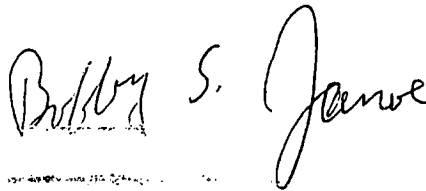
RE: Crime/Incident Report Incident Log Number CAL-CEN-06-07-0244

Dear Miss Weitzeil,

I am writing to request you respond to the Inmate Appeal 602 I forwarded to your office on 8/8/06. Pursuant to California Code of Regulations Title 15 section 3084.6 Subd(1) Informal level response shall be completed within 10 working days.

Thank you for your time and consideration.

Sincerely,





RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL

A 0602655

VERIFICATIONSTATE OF CALIFORNIA  
COUNTY OF IMPERIAL

(C.C.P. SEC.446 &amp; 201.5; 28 U.S.C. SEC. 1746)

I, Bobby S. Janoe DECLARE UNDER PENALTY OF PERJURY  
THAT: I AM THE Declarant IN THE ABOVE ENTITLED ACTION;  
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS  
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND  
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 20 DAY OF: August 2006 AT CALIPATRIA  
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)

Bobby S. Janoe  
(DECLARANT/PRISONER)PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) &amp; 2015.5; 28 U.S.C. SEC.1746)

I, Bobby S. Janoe AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY  
OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM /  
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002.  
CALIPATRIA, CALIFORNIA #92233-5002.

ON August 20 2006 I SERVED THE FOREGOING:  
Letter to request answer 602 at informal level, to P.Weitzeil.

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),  
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL IN A DEPOSIT BOX SO PROVIDED  
AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

Calipatria State Prison  
Accounting Department  
Supervisor P.Weitzeil  
P.O.Box 5001  
Calipatria CA 92233

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS  
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 20 2006Bobby S. Janoe  
(DECLARANT/PRISONER)

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS  
 GA-22 (9/92) **INMATE REQUEST FOR INTERVIEW**  
 RECEIVED CAL APPEALS NOV 9 2006  
 DATE 9/13/06 TO Accounting Supervisor P. Weitzel FROM (LAST NAME) JANDOE CDC NUMBER J25333  
 HOUSING A-5 BED NUMBER 111-L WORK ASSIGNMENT N/A JOB NUMBER FROM TO  
 OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a 602 to your office on 8/8/06. The 10 working days to respond has since passed. Please respond to the 602

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY DATE  
 DISPOSITION

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS  
 GA-22 (9/92) **INMATE REQUEST FOR INTERVIEW**  
 DATE 9/11/06 TO Accounting Supervisor, P. Weitzel FROM (LAST NAME) JANDOE CDC NUMBER J25333  
 HOUSING A-5 BED NUMBER 111-L WORK ASSIGNMENT N/A JOB NUMBER FROM TO  
 OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a 602 to your office on 8/8/06. The 10 days to respond have since passed. Can you please respond to that 602?

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY DATE  
 DISPOSITION

STATE OF CALIFORNIA  
GA-22 (9/92)  
INMATE REQUEST FOR INTERVIEW  
DEPARTMENT OF CORRECTIONS

DATE 9/18/06	TO Accounting Supervisor P. Weitzel	FROM (LAST NAME) JANOE	CDC NUMBER J25333
HOUSING A-5	BED NUMBER 111-L	WORK ASSIGNMENT N/A	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a 602 to your office on 8/8/06. The 10 working days to respond have since passed. Please respond to this 602.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DATE

DISPOSITION

STATE OF CALIFORNIA  
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 9/25/06	TO Accounting Supervisor P. Weitzel	FROM (LAST NAME) JANOE	CDC NUMBER J25333
HOUSING A-5	BED NUMBER 111-L	WORK ASSIGNMENT N/A	JOB HOURS FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I had forwarded a 602 to your office on 8/8/06. The 10 working days to respond to that 602 has long since passed, at the informal level. Do you really think ignoring the 602 is your best option? A record is being established. Please respond to the 602 as soon as possible. Thank you for your time and consideration.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DATE

DISPOSITION

LODGEMENT EIGHT

REPORT ID: 102010

CALIFORNIA DEPARTMENT OF CORRECTIONS

CAL

A

0602524

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006

ACCOUNT NUMBER: J25333

BED/CELL NUMBER: FAC1000

ACCOUNT NAME: CAL APPEALS, OCT 20 2006

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

TRAN

DATE CODE DESCRIPTION COMMENT CHECK NUM DEPOSITS WITHDRAWALS

05/01/2005 BEGINNING BALANCE

05/04	D554	INMATE PAYROL	04/05 5838		13.12	
05/11	W213	FEDERAL FILIN	1421/06011			2.62
05/11	W220	STATE FILING	15606/6015			2.62
06/03	D554	INMATE PAYROL	05/01 6478		8.72	
06/03	W512	LEGAL POSTAGE	5/12 6510			8.40
06/06	FC01	DRAW-FAC 1	A1 6520			4.72
06/16	W213	FEDERAL FILIN	1421/06804			1.74
06/16	W220	STATE FILING	5606/06797			1.74
07/06	D554	INMATE PAYROL	6/05 0063		10.16	
07/15	W512	LEGAL POSTAGE	7/1 0289			2.90
07/15	W512	LEGAL POSTAGE	7/1 0289			1.29
07/15	W512	LEGAL POSTAGE	7/1 0289			1.29
07/28	W213	FEDERAL FILIN	1421/00547			2.03
07/28	W220	STATE FILING	15606/0559			2.03
08/03	D554	INMATE PAYROL	7/05 0625		8.40	
08/05	W512	LEGAL POSTAGE	8/4 0686			0.60
08/05	W512	LEGAL POSTAGE	8/4 0686			1.75
08/08	W220	STATE FILING	15606/0722			1.68
08/08	W213	FEDERAL FILIN	1421/0723			1.68
08/15	W512	LEGAL POSTAGE	07/19 0873			1.06
08/15	W512	LEGAL POSTAGE	07/19 0873			1.06
08/15	W512	LEGAL POSTAGE	07/19 0873			1.06
09/07	D554	INMATE PAYROL	08/05 1269		6.80	
09/09	W220	STATE FILING	15606/1342			1.36
09/09	W213	FEDERAL FILIN	1421/01343			1.36
09/09	W512	LEGAL POSTAGE	8/9 1351			3.95
0/18	W516	LEGAL COPY CH	09/14 2098			0.20
1/15	W516	LEGAL COPY CH	10/17 2657			0.06

## ACTIVITY FOR 2006

4/27	D310	CHECK DEPOSIT	MR/ 505780		2,021.51	
4/27	D310	CHECK DEPOSIT	MR/ 505780		1,298.02	
4/27	D300	CASH DEPOSIT	MR/ 505771		152.30	
4/27	D300	CASH DEPOSIT	MR/ 505771		222.20	
4/27	W213	FEDERAL FILIN	1421/05795			74.90
4/27	W220	STATE FILING	15606/5796			74.90
4/28	W512	LEGAL POSTAGE	4/29 5819			0.63
1/28	W512	LEGAL POSTAGE	4/26 5819			0.63
3/01	W513	MISC. CHARGES	ENVELOPES 5830			0.30
3/01	W516	LEGAL COPY CH	04/24 5832			1.20
4/05	D310	CHECK DEPOSIT	MR/ 505938			
4/05	D310	CHECK DEPOSIT	MR/ 505938			
4/05	D310	CASH DEPOSIT	MR/ 505937		100.00	

SCREENED OUT

SEP 29 2006

SCREENED OUT

OCT 06 2006

CAL A 0602524

RECEIVED CAL APPEALS SEP 29 2005 CALIFORNIA STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

RECEIVED CAL APPEALS OCT 06 2005  
PERIOD: JUN. 01, 2005 THRU JUN. 27, 2005

ACCT. J25333 ACCT NAME JANCE, BOBBY SHAWN ACCT TYPE J

DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
05/05	W220	STATE FILING	15606/5943			69.79	4,583.35
05/08	FC01	DRAW-FAC 1	A1 5964			76.00	4,507.35
05/15	FR01	CANTEEN RETUR	506113			76.00	4,583.35
05/16	W415	CASH WITHDRAW AID	6161 111079976			99.00	4,484.35
05/19	W516	LEGAL COPY CH	4/8 6255			0.20	4,484.15
05/19	W516	LEGAL COPY CH	4/8 6255			5.50	4,478.65
05/19	W516	LEGAL COPY CH	4/12 6255			0.10	4,478.55
05/19	W513	MISC. CHARGES ENVEL	6256			0.45	4,478.10
05/19	W513	MISC. CHARGES ENVEL	6261			1.80	4,476.30
05/19	W513	MISC. CHARGES ENVEL	6261			45.50	4,430.80
05/23	W512	LEGAL POSTAGE	04/19 6320			0.87	4,429.93
05/23	W516	LEGAL COPY CH	05/19 6316			0.30	4,429.63
05/23	W513	MISC. CHARGES ENVEL	P6330			0.45	4,429.18
05/23	W513	MISC. CHARGES ENVEL	P6330			0.15	4,429.03
05/24	W512	LEGAL POSTAGE	4/21 6356			4.05	4,424.98
05/24	W512	LEGAL POSTAGE	4/21 6356			4.05	4,420.93
06/05	FC01	DRAW-FAC 1	A1 6540			75.00	4,345.93

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
6/14/2006	H118	LEGAL COPIES HOLD	06/13 6807	0.90

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
7.88	4,909.53	571.48	4,345.93	0.90	0.00

CURRENT  
AVAILABLE  
BALANCE

4,345.03

LODGEMENT NINE



RECEIVED CAL APPEALS SEP 29 2006

CAL

A 0602524

5-16-06

RECEIVED CAL APPEALS OCT 20 2006

RECEIVED CAL APPEALS OCT 20 2006

was glad to hear your letter the other, and  
I'm going there it all lunch for out here,  
and I just can't focus at the of bull shit,  
do need to, I am planning on moving in 1 week,  
and I still need to find a new house, so I will  
Focus on that tomorrow, I have lots to do!  
Plus with my court case coming up next  
month, it's nothing nice, any case, they plan  
to raise my bail to 300,000,00 and I  
am working on getting up my issues so I  
can fight my case from the streets, or  
any how, plus another letter with 5,000,00  
for you, plus 10,000,00 do one this class  
your amount, do me a favor, could you  
take half of that and send it back to  
me in that state of Calif check, I could  
put that towards my bail, as soon  
as it clears, just put in a request  
to send out half of that to me lot,  
to my P.O. ok, 65% thank you, also!  
send me out a kite when you do that,  
things will get better, And keep your head up,  
orders to you rent went bad! I will get at money

Trust, have I'll get you out legally!

SCREENED OUT

SEP 29 2006

my I do need to focus right  
the deal I was 8 years for what? Live  
nothing! SCREENED OUT OCT 08 2006 be of good



*cheer, and remember. If your approached on where money comes, you don't know of!*  
There appears to be a similarity with your email address.

CAL A 0602524

RECEIVED CAL APPEALS OCT 06 2006

Discover Your Family Story

RECEIVED CAL APPEALS OCT 20 2006

*write son!*

*I had respect  
always  
you too*

Bellamy  
28 May 1933  
-Edgcomb  
Jimmie?? Bellamy  
B\_C037\_66001

20

422

Source Information:

Amesbury, Mass. North Carolina Birth Index, 1880-1960 [database online]. Provo, Utah: Ancestry.com, Inc., 2003. Original data: Register of Births, Deaths, and Marriages, North Carolina State Archives, Raleigh, North Carolina.

This list shows the counties and years covered in this index. Delayed births are also included in this index. The index is not intended to be a substitute for a birth certificate.

SCREENED OUT

SEP 29 2006

SCREENED OUT

OCT 06 2006

CAL

A 0602524

RECEIVED CAL APPEALS OCT 06

RECEIVED CAL APPEALS OCT

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT  
 ADD61 00009559  
 J ROBERT WEST MD INC  
 PO BOX 2150  
 REDLANDS, CA 92373-0701  
 BOBBY JANOE # J-25333

CMS

MEDICARE PAYMENT

NHIF

116061908

116061908

116061908 0213093791601839301

MEDICARE PAYMENT

CMS

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT  
 ADD61 00009558  
 J ROBERT WEST MD INC  
 PO BOX 2150  
 REDLANDS, CA 92373-0701  
 BOBBY JANOE # J-25333

PAY TO THE ORDER OF

1106681091646061201 0206166971

LODGEMENT TEN

CALIPATRIA STATE PRISON  
 INVESTIGATIVE SERVICES UNIT  
 CASE REFERRAL TO  
 IMPERIAL COUNTY DISTRICT ATTORNEY

DATE: 10-02-06 INCIDENT REPORT NUMBER CAL-CEN-06-07-0244  
 REPORT RECEIVED: 08-03-06 INCIDENT REPORT TITLE THEFT IN EXCESS OF \$500.00  
 REPORT DATED: 07-20-06 INMATE NAME & CDC NUMBER: JANOE J25333

The above case was evaluated for referral to the Imperial County District Attorney and the following decision was made:

☐ Report returned to involved staff for more data:  
☐ Investigation being conducted by Security and Investigations:  
☒ No referral to the District Attorney will be made since:

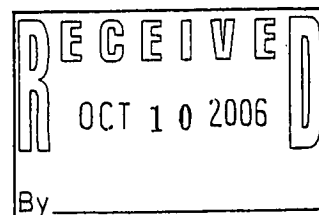
☐ There was no significant injury.  
☐ Potential for injury existed, but victim will not testify  
☐ Prima facie evidence exists, but there is insufficient data for other than administrative action.  
☐ Insufficient quantity of drugs for prosecution.  
☐ Problems exist with the chain of evidence.  
☐ Inmate has a long sentence and the most appropriate resolution will be effected via administrative disposition.  
☐ Not a referable offense.  
☐ Does not meet criteria of agreement with District Attorney.  
☒ Other WILL BE ISSUED A CDC-115 FOR POSSESSION OF STOLEN PROPERTY AND CHECK FRAUD. TO BE FILED BY OUTSIDE AGENCY IF FILED.  
☐ / /, this case was referred to the Imperial County District Attorney.  
☐ On / /, the Investigation Services Unit received written notice that the Imperial County District Attorney rejected / dismissed this case.  
☒ Any pending disciplinary action should be completed at this time and a closure report completed and Forwarded to the Associate Warden-Housing for distribution

The above is pursuant to revision of the California Code of regulations, Title 15 Section 3316, which allows for discretionary referral of criminal cases.

Any questions may addressed via the Captain, Security and Investigations Unit at extension 5340.

*G. Stratton*  
 G. Stratton, Lieutenant  
 Chief Investigator  
 Investigative Services Unit  
 Original: Incident Package

cc: AW A/B or C/D  
 Records  
 AW Custody  
 Inmate  
 Facility Lieutenant



LODGEMENT ELEVEN



SCREENED OUT

SCREENED OUT

CA 924 JT  
02 MAY 2006 PM

W. E. B. DuBois  
Sept 11/95

BOBBY JANOE # J 25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA, CALIF 92233

I want  
 to see  
 you  
 now!!  
 why are  
 you  
 not  
 here  
 yet  
 we  
 need  
 you

Box 657  
R. S. T. Calif  
92,382

[illegible]

0602524 A

**SECRET**

CH 92437

Bobby J ANZE  
# J 25-333  
unit A-1-150  
Calipatria, Calif  
92233

0007 0-2-100

B.5.  
651  
R.S., CA 92382  
100

2689 #11

RECEIVED  
AND CREDITED TO THE  
PERSONAL ACCOUNT OF  
THE TRUSTEES OF THE  
TRUST ACCOUNT.

RECEIVED CAL APPEALS SEP 29 2006

SAN BERNARDINO

02 MAY 2006 PM

FOR: BOBBY JANOE #J25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA, CALIF  
92333

OK# 20630  
5/31/6  
30 days to process

Buy 051  
R. 8.1, Calif  
9/7/382

SAN BERNARDINO

CA 92433 T  
02 MAY 2006 PM

BOBBY JANOE # J 25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA, CALIF 92233

5/31/6  
OK# 8164598  
OK# 724785  
5/31/6  
OK# 503.98  
30 days to process  
9223345002

RECEIVED CAL APPEALS OCT 06 2006  
RECEIVED CAL APPEALS SEP 29 2006

SCREENED OUT  
OCT 06 2006  
SCREENED OUT  
SEP 29 2006

LODGEMENT TWELVE



RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 20 2006

CAL

A 0602524

## Division of Medical Examiner

175 South Lena Road

San Bernardino, CA 92411-8033

(909) 387-2561

Fax (909) 387-2989



Frank Sheridan, M.D.

Chief Medical Examiner

**Eugene Carpenter**

M.D., Deputy M.E.

RECEIVED CAL APPEALS OCT 06 2006

**San Bernardino County Sheriff's Department  
Coroner Division**

RECEIVED CAL APPEALS OCT 20 2006 Autopsy Protocol

**Coroner's Case Number:** 06-5661LD**Autopsy Number:** A-0394-06

**Name:** Brett Harvey Janoe **Age:** 44 **Sex:** Male  
**Time of Death:** Reported Found 0739 hours, July 21, 2006 **Race:** Caucasian  
**Time of Autopsy:** 0900 hours, July 28, 2006  
**Place of Autopsy:** San Bernardino County Coroner's Facility **Deputy:** De Nardo

**HISTORY OF DEATH:** This is the case of a 44-year-old Caucasian male found floating in about 2 feet of water in a flood basin area. There is a past history of social distress, methamphetamine use, and possibly of diabetes. There is no history of foul play or trauma. There are no signs of trauma. Other past medical history is not given. Drug use and social stress have been the problems. No history of suicide ideation or previous suicide attempts has been given.

There is a history of pelvic fracture from a fall in the fairly recent past.

Also refer to Coroner's Investigative Report 06-5661LD.

**External Examination for Identification and for Signs of Natural Pathology:**

This is the body of a 44-year-old, well-developed, well-nourished Caucasian male, about 73 inches in length and weighing 169 pounds. It has been refrigerated and is not embalmed. The body is identified by tags.

The major identifying characteristics consist of a long body, brown, medium length, straight hair, brown eyes (might be obscured by decomposition changes), handlebar moustache, unshaven face for about a week, no teeth, upper dental plate, uncircumcised penis, well-developed and not obese body; no signs of amputations, deformities, or needle track scars are seen. There are two tattoos discovered. The body is moderately decomposed and this obscures surface findings. The following is what can be discerned through the discoloration and the skin slippage.

The skin, head, head hair, eyes, ears, nose, mouth, throat, neck, chest, abdomen, pelvis with external genitalia and anus, back and extremities are all unremarkable for signs of natural pathology as best as can be seen through the obscuring signs of decomposition.

**Clothing:** There is clothing on the body. It consists of a tee shirt, boxer shorts, blue jeans with wide brown belt, white socks, and white running shoes. All of the clothing is soaked and muddy. Abundant numbers of papers are found, some of which have been placed in a plastic envelope apparently by the decedent. All of these are retrieved and are cleaned and spread out on a table for drying. No other articles are found within the pockets of the pants. There does not seem to be the presence of a suicide note, but the papers are not examined in detail at this time.

SCREENED OUT

SEP 20 2006

SCREENED OUT

SEP 29 2006

SCREENED OUT

OCT 06 2006

RECEIVED CAL APPEALS SEP 20 2006

RECEIVED CAL APPEALS OCT 20 2006

CAL

A 0602524

JANOE AUTOPSY CONTINUED  
RECEIVED CAL APPEALS SEP 29 2006A-0394-06  
RECEIVED CAL APPEALS SEP 29 2006**Evidence of Postmortem Changes:**

- RECEIVED CAL APPEALS OCT 06 2006
1. Moderate decomposition is present with universal green-brown discoloration and skin slippage. There is moderate bloating of the abdomen and scrotum. The eyes are soft. About 7 to 8 mL of fresh appearing red blood is found within the heart. The gallbladder and urinary bladder are dry. There are about 20 mL of a wine-like decomposition fluid found within the left pleural space. The right pleural space is dry. The peritoneum is dry. There is no oil. Maggots and fly eggs are not seen. Animal activity is not seen.
  2. Rigor mortis: the arms are loose. There is moderate rigor mortis in the lower extremities.
  3. Lividity: lividity cannot be assessed.

**Evidence of Medical Intervention:** None**Evidence Collected at Autopsy:**

1. Liver and kidneys for toxicology.
2. One tube of blood for toxicology, from the heart.
3. Tissues from the major organs.

**Tattoos:** Two tattoos are seen. One is a none understood design with the word "Crazy" at the top. This is at the left lateral arm. The other is the name "Lori" written over the top surface of the shaft of the penis.

**Radiographs:** None**Incisions:**

1. Head, coronal.
2. Chest, Y-shaped.
3. Abdomen, midline.
4. Throat, midline.

**Examination and Description of Injuries:** Old bruises are present at the upper posterolateral pelvis. The larger is 2 inches and about 1 inch below it is the 1-1/2 inch bruise. They seem older, consistent with the history, but this is not clear due to the decomposition that obscures the findings. No incisions are made into them. No samples are collected. Other signs of trauma are lacking. The head is carefully examined. The brain is a gray-green pultaceous mass without signs of blood or other signs of trauma. There are no sharp force injuries or gunshot wounds to the body.

**Internal Examination for Signs of Natural Pathology:****A. BODY CAVITIES:**

1. Head: The cranium and potential spaces of the head are unremarkable.
2. Chest: Unremarkable, except for decomposition.
3. Abdomen: Unremarkable, except for moderate decomposition.
4. Pelvis: Unremarkable, except for decomposition.

SCREENED OUT

SEP 28 2006

SCREENED OUT

SEP 29 2006  
SCREENED OUT

OCT 06 2006

RECEIVED CAL APPEALS SEP 20 2006

RECEIVED CAL APPEALS SEP 25 2006

JANOE AUTOPSY CONTINUED

PAGE 3

RECEIVED CAL APPEALS SEP 29 2006

CAL

A

0602524

RECEIVED CAL APPEALS OCT 06 2006

B-SYSTEMS

RECEIVED CAL APPEALS OCT 20 2006

1. Central Nervous: The brain is 1245 grams. It consists of a slightly formed gray-green pultaceous mass with some preservation of the surface architecture. It is scooped out of the skull. There are no collections of blood nor are there any signs of pathology that might be seen beyond the obscuration of the decompositional process.
2. Cardiovascular: The heart is 345 grams. It appears enlarged. The estimated weight before decomposition is 445 grams. The left main coronary artery is 60% atherosclerotic with a 2 x less than 1 mm. residual space. The circumflex is 70% occluded near its origin. The left anterior descending branch is 80% occluded in many focal areas, especially proximally. The right coronary artery is unremarkable. Otherwise, the heart with its pericardial sac, epicardium, coronary arteries, myocardium, endocardium and valves is unremarkable. The aorta with its branches and the vena cava with its tributaries are unremarkable. The pulmonary arteries are unremarkable and there are no signs of thromboemboli.
3. Respiratory: The airway is clear. There are no signs of inflammation. The lungs are unremarkable, except for obvious anthracosis.
4. Gastrointestinal: The GI tract, liver, gallbladder and pancreas are all unremarkable. The GI tract is examined by visualization and palpation. No collections of blood are seen. No stones are felt in the gallbladder.
5. Lymphoid: The spleen is moderately enlarged. The estimated weight is 400 grams. The lymph nodes are not prominent.
6. Genitourinary: The kidney both appear hyperplastic. The estimated weight is about 230 grams for each kidney. The surface is smooth. There are no pitted scars. The kidneys, ureters, urinary bladder, prostate and testicles are unremarkable. The prostate and testicles are examined by palpation.
7. Endocrine: The pituitary is not seen. The thyroid and adrenal glands are unremarkable.
8. Musculoskeletal: Unremarkable

**TOXICOLOGY:** A standard coroner's panel is requested.

**Also refer to Toxicology Report**

SCREENED OUT

SEP 20 2006

SCREENED OUT

SEP 29 2006

OCT 06 2006

SCREENED OUT

JANOE AUTOPSY CONTINUED  
RECEIVED CAL APPEALS SEP 29 2006  
A-0594-06 RECEIVED CAL APPEALS OCT 06 2006

RECEIVED CAL APPEALS OCT 20 2006  
**DIAGNOSIS:**

- I. Severe atherosclerotic heart disease.
- II. Signs of old trauma to the right posterolateral pelvic region, no signs of complications.
- III. Drowning.
- IV. History of methamphetamine use (see toxicology report) (33 mg/L blood level).
- V. No history of foul play.
- VI. History of social stress and strain and difficult drug problem.

**CAUSE OF DEATH:** Probable drowning, unknown. Contributing Causes: 1) Chronic methamphetamine use. 2) Atherosclerotic heart disease.

**Manner of Death:** Natural

**How injury occurred:** Probable cardiac event due to heart disease and drug use; then drowned.

**WITNESSES PRESENT:** Detective John Munoz, Forensic Specialist Ricardo Tomboc, San Bernardino Police Department.

Autopsy Completed 1030 hours, July 28, 2006.

*Eugene Carpenter M.D.*

Eugene Carpenter, M.D.  
Pathologist

Date: 8-29-06

EC:pm

SCREENED OUT SEP 20 2006

SCREENED OUT SEP 25 2006

SCREENED OUT SEP 29 2006

SCREENED OUT OCT 06 2006

RECEIVED CAL APPEALS SEP 20 2006  
RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 29 2006



CAL

A 0602524

## County of San Diego

RECEIVED CAL APPEALS OCT 06 2006  
GLENN N. WAGNER, D.O.  
CHIEF MEDICAL EXAMINERCHRISTINA STANLEY, M.D.  
CHIEF DEPUTY MEDICAL EXAMINER

RECEIVED CAL APPEALS OCT 20 2006

OFFICE OF THE MEDICAL EXAMINER

5555 OVERLAND AVE., Ste 1411, SAN DIEGO, CALIFORNIA 92123-1245  
TEL: (858) 694-2895 FAX: (858) 495-5956

## TOXICOLOGY REPORT

Name: JANOE, Brett Harvey

SBCCO Number: 06-05661 LD

Autopsy Number: A0394-06 EC

Date of Death: 07/21/2006

Pathologist: Eugene Carpenter, M.D.

Specimens Received: Heart Blood, Kidney, Liver

<u>Test Name (Method of Analysis)</u>	<u>Specimen Tested</u>	<u>Result</u>
<u>Alcohol Analysis (GC)</u>		
Alcohol (Ethanol)	Heart Blood	0.06 % (w/v)
Acetone, Methanol, Isopropanol		Not Detected
<u>Drugs of Abuse Screen (ELISA)</u>	Heart Blood	
Cocaine metabolites		Not Detected
Opiates		Not Detected
Amphetamines		Presumptive Positive
Benzodiazepines		Not Detected
Fentanyl		Not Detected
Cannabinoids		Not Detected
<u>Amphetamines (GC/MS)</u>	Heart Blood	
Methamphetamine		0.33 mg/L
Amphetamine		Not Detected
Ephedrine		Not Detected
Pseudoephedrine		Not Detected

End Results

Comment:

These results would be consistent with the use of alcohol and methamphetamine.

Approved and Signed:  
08/18/2006Catherine E. Hamm  
Catherine E. Hamm  
Toxicologist III

Reviewed:

James Sherrard  
Toxicologist IISCREENED OUT  
SCREENED OUTSEP 20 2006  
SEP 25 2006

SCREENED OUT

SEP 29 2006

SCREENED OUT

OCT 06 2006

EC 8-29-6

LODGEMENT THIRTEEN

CAL

A 0602524

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT PARTIALS OCT 20 2006

PAGE 8 OF 8

CDC NUMBER J-25333	INMATE'S NAME JANOE	LOG NUMBER 07-06-A-005	INSTITUTION CSP-CAL	TODAY'S DATE 07/17/06
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On, May 17, 2006 at approximately 1000 hours, while performing my duties processing monies received from the institutional mail room, I discovered that check(s) serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 appeared to have been altered. Calipatria State Prison (CAL) Inmate Trust Account Office Personnel received the checks via the institutional mail. I notified Security and Investigations (S&I) Officer #5 V. Canada that I had received, 2 original checks serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 endorsed for payment to a J. Robert West MD Inc, P.O. Box 2150, Redlands Ca. 92373-0701 and below the physician's name typed in bold letters and underlined, was Inmate Janoe, J25333/A1-150, underneath the original endorsee. Both checks were generated by National Heritage Insurance Company (NHIC) for Medicare Payment. On Tuesday, June 13, 2006, at approximately 1000 hours, I relinquished the checks to Squad Officer Canada.


Inmate Janoe is not a participant of the Mental Health Delivery System (MHSDS).

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER G. SHEPHERD <i>G. Shepherd</i>	DATE SIGNED 7/18/06	
	GIVEN BY: (Staff's Signature) <i>Cheney</i>	DATE SIGNED 7-18-06	TIME SIGNED 1105

LODGEMENT FOURTEEN



SCREENED OUT SEP 29 2006  
 SCREENED OUT OCT 06 2006

 <p>East Valley Water District          Serving Our Community for Over 50 Years</p>		<p>CITIZEN'S BUSINESS BANK          1555 EAST HIGHLAND AVE.          SAN BERNARDINO, CA 92413</p>		<p>90-3414          1222</p>	<p>206430</p>
<p>TO THE ORDER OF</p>		<p>5/24/2006</p>	<p>206430</p>	<p>AMOUNT \$3,187.00</p>	
<p>PAY TO THE ORDER OF <b>BOBBY JANOE #125333</b></p>					
<p>Three Thousand One Hundred Eighty-Seven and 00/100</p>					
<p>US Dollars</p>					
<p>SAN BERNARDINO, CA 92412-5069</p>					
<p>FOR: BOBBY JANOE #125333</p>					
<p>REVERSE SIDE OF THIS CHECK HAS AN ARTIFICIAL WATERMARK. MICROLINE TYPE IN CHECK BORDER AND SIGNATURE LINES IS A SECURITY FEATURE.</p>					
<p>206430 122234141 238103363</p>					

RECEIVED CAL APPEALS SEP 29 2006  
 RECEIVED CAL APPEALS OCT 06 2006

## PROOF OF SERVICE

I, Bobby S. Janoe, CERTIFY AND DECLARE THAT I AM OVER THE AGE OF (18) YEARS, A PARTY TO THE WITHIN ACTION AND A CITIZEN AND OR RESIDENT OF THE UNITED STATES.

Notice of Lodgement of Exhibits  
I SERVED THE FOLLOWING DOCUMENT(S), Traverse, Case NO cv 08-0420 JLS (POR),  
UPON THE PARTIES LISTED BELOW BY PLACING SEALED ENVELOPES IN THE UNITED STATES MAIL HERE  
AT Corcoran state Prison, CALIFORNIA AS FOLLOWS:

UNITED STATES DISTRICT COURT  
UNITED STATES MAGISTRATE  
JUDGE L.S. PORTER  
Room 4290  
880 Front street  
San Diego CA 92101-8900

ATTORNEY GENERAL OFFICE  
110 WEST A STREET  
San Diego CA 92101

I, Bobby S. Janoe, SWEAR UNDER THE PENALTY OF PERJURY THAT  
THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AND DATED THIS 31<sup>st</sup> DAY OF July, 2008

Bobby S. Janoe  
DECLARANT